

B  
R  
PB  
DJ-

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 18th  
day of November, 1997.

MCI Telecommunications Corporation, Inc.,	)	
et al.	)	
	)	
Complainants,	)	
	)	<u>Case No. TC-97-303</u>
vs.	)	
	)	
Southwestern Bell Telephone Company, Inc.,	)	
	)	
Respondent.	)	

## ORDER REGARDING APPLICATIONS FOR REHEARING

The Commission issued its Report and Order (Order) in this case on September 16, 1997, with an effective date of September 26. That Order dismissed the complaint for numerous reasons. On September 25 Applications for Rehearing were filed by the Office of the Public Counsel (Public Counsel) and also by MCI Telecommunications Corporation, et al. (MCI or Complainants)<sup>1</sup>.

---

<sup>1</sup> This Application for Rehearing asserted that it was filed by MCI Telecommunications Corporation, MCImetro Access Transmission Services, Inc., Teleconnect Long Distance Services and Systems Company, AT&T Communications of the Southwest, Inc., Metropolitan Fiber Systems of Kansas City, Mo., Inc., MFS Intelenet of Missouri, Inc., WorldCom, Inc., Communications Cable-Laying Company, Inc., d/b/a Dial U.S., Valu-Line of St. Joseph, Inc., LDD, Inc., CommuniGroup of K.C., Inc., Kansas City Fiber Network, L.P., North American Communications Group, Inc., American Tel Group, Inc., MVP Communications, Inc., New Century Telecom, Inc., NOS Communications, Inc., NOSVA, Limited Partnership, Affinity Network, Incorporated, America's Tele-Network Corp., IXC Long Distance, Inc., Nations Bell, Inc. d/b/a Nations Tel., Coastal Telecom Limited Company Telegroup, Inc., Wright Businesses, Inc. d/b/a Long Distance Management, Inc., QCC, Inc., ActiveTel L.D., Inc., Maxcom, Inc., Consolidated Communications Telecom Services, Inc., Dial and Save of Missouri, Inc., Metropolitan Fiber Systems of St. Louis, Missouri, Inc., West Tel, Inc., and Switched Services Communications, L.L.C., however, the Application for Rehearing was signed by only seven attorneys some of whom now claim to represent, collectively, all of the aforementioned complainants.

Southwestern Bell Telephone Company (SWBT) filed its Response to MCI Complainants' Application for Rehearing on October 6.<sup>2</sup> SWBT cited the authority which holds that a statement of counsel is binding on counsel's clients. See Moore v. Carter, 201 S.W.2d 923, 929 (Mo. 1947). The Commission repeatedly directed all counsel to identify the complainants whom they represented at the hearing. It was approximately one month after the hearing that MCI entered its appearance for an additional number of the complainants to this case. Complainants have failed to cite any authority for the proposition that an entry of appearance operates retroactively.

The Commission's order speaks for itself. No response to the applications for rehearing is necessary. The complaint showed that no genuine justiciable issues of fact existed, that ten of the complainants failed to appear for a hearing as specifically ordered, that the complaint failed to meet the burden and the requirements of the sources of statutory authority cited, that the complaint sought an action which would violate the prohibition against single-issue ratemaking, and that the complainants failed to state a claim upon which relief may be granted. Any one of these defects could be grounds for dismissal. The totality of these flaws mandated dismissal.

### **IT IS THEREFORE ORDERED:**

1. That the Application for Rehearing filed by the Office of the Public Counsel is denied.
2. That the Application for Rehearing filed by MCI Telecommunications Corporation, *et al.* is denied.

---

<sup>2</sup> The Commission's rules require that any application for rehearing be filed before the effective date of the order. Those same rules do not provide for, nor do they prohibit, any response to an application for rehearing. SWBT's response was filed prior to the issuance of this order and, therefore, has been considered by the Commission.

3. That this order is effective on November 18, 1997.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton,  
Murray, and Drainer,  
CC., Concur.

Roberts, Chief Regulatory Law Judge